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SUBJECT: Khmer Rouge Tribunal: The Trial of S-21  
Interrogation Center Head Kaing Guek Eav, Week 20

REF: PHNOM PENH 682 AND PREVIOUS

¶1. (SBU) SUMMARY: Embassy staff routinely observes the proceedings of the trial against the notorious Khmer Rouge (KR) torture center head, widely known as Duch, at the Extraordinary Chambers in the Courts of Cambodia (ECCC) (Reftel). This report summarizes the 20th week of activities inside the court at the Khmer Rouge Tribunal. More technical accounts of the proceedings can be found at: [www.csdccambodia.org](http://www.csdccambodia.org); [www.kidccambodia.org](http://www.kidccambodia.org) and at <http://socrates.berkeley.edu/~warcrime/>. END SUMMARY.

Acceptance of Guilt, Reconciliation, and Final Testimony  
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¶2. (SBU) Civil parties ended their boycott and returned to the court this week along with hundreds of others to see Duch take the stand one final time for questioning. Expert witnesses also testified about Democratic Kampuchea and the importance of accepting guilt before an international criminal tribunal and its positive effect on national reconciliation. This week's defense witness testimony marked the end of the evidence phase in the Duch trial, which commenced on March 30, 2009. Since that time, the trial chamber has heard the testimony of nine expert witnesses, seventeen fact witnesses, seven character witnesses, and twenty-two civil parties. An average of 330 people observed the trial each day for a total of 23,742 visitors. Closing arguments will be heard on November 23 and are estimated to last for three days.

¶3. (SBU) Herewith are observation notes for the week beginning September 14, 2009:

September 14, 2009: The audience consisted of approximately 500 villagers from different provinces, 100 law school students, and 100 international observers. The law students in particular were impressed by the professionalism of the court compared to Cambodia's current national judicial system.

The tribunal heard the testimony of Richard Goldstone, an expert on international justice and human rights, via video conference from the U.S. Mr. Goldstone stated that an acceptance of responsibility on behalf of the accused is important because it can often serve the interests of victims and of society by bringing closure and establishing the historical truth. In the afternoon, Raoul Marc Jennar testified about Democratic Kampuchea and asserted that Duch was at the same time a perpetrator and a victim of the regime's irrational paranoia. Civil parties were allowed 20 minutes for cross and direct examination and together with the prosecution, contended that Duch killed to keep power and not to avoid being killed himself.

September 16, 2009: The audience was full in the morning, but thinned out towards afternoon due to travel times from the provinces.

Today marked the final day of questioning. Defense lawyers questioned Duch about his character and focused on his apology to victims, remorse for past "brutal acts," and acknowledgment of

guilt. Conversely, the prosecution sought to portray Duch as a loyal, willing, and proud member of the Khmer Rouge up until his arrest in 1999.

Duch often stated he did not understand the questions posed by the prosecution, which once again highlighted issues with the quality of translation. The defense also indicated that it had identified inaccuracies in the translation of several confessions during the trial, and objected to the prosecution's request to submit additional such documents.

September 17, 2009: There were several hundred people in the viewing gallery, with many spilling downstairs into the area with a live television feed. Most of the audience traveled from the provinces of Kampong Thom and Prey Veng. The audience was respectful, but questioning whispers often escaped, such as "who was the big fish behind these atrocities?" and "If we kill Duch in retaliation, we still would not have our relatives back, so let the court decide."

The court adjourned after the morning session, which consisted of additional requests for submissions of documents from the defense and civil parties. It will reconvene for closing arguments on November 23.

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